

REMARKS

The Office examined claims 1-3, 5-10, and 12-23 and rejected same. (Applicant notes that the Office action indicates that claims 1-23 were examined and were rejected, but applicant appreciates that such indications are an oversight, since claims 4 and 11 were canceled in response to the previous Office action.) With this paper, reconsideration is requested. Claims 1-3, 5-10, and 12-23 remain pending.

Rejections under 35 USC §103

At section 3 of the Office action, claims 1-3, 5-10, 12-20, and 23 are rejected under 35 USC §103 as being unpatentable over WO99/30479 (hereinafter Alperrovich) in view of U.S. Pat. No. 5,655,003 (hereinafter Erving) and US Pat. App. Pub. No. 2003/0026399 (hereinafter Carlson). Of the claims so rejected, the independent claims are 1 and 8.

As to claim 1 & 8: Claim 1 is to a method for use by a communication device in deciding whether to allow an application hosted by the device to establish a connection to a cellular network for which other applications hosted by the device already have connections, or to a new cellular network. The communication device makes its decision based on "factors including the information about currently active cellular network systems." The information includes at least the number and type of connections currently in use. Apparatus claim 8 recites corresponding limitations.

The office asserts that Alperrovich discloses the invention as claimed in claims 1 and 8, as examined, except for teaching that the decision on allowing a new connection is based on factors including information about currently active cellular network systems, for which teaching the Office relies on Erving, and further except for teaching that the information includes at least

the number and type of connections currently in use, for which teaching the Office relies on Carlson. Applicant notes that compared with the rejections of the previous Office action, the present Office action makes exactly the same assertions as to the teachings of Alperrovich and Erving, and merely adds to those the teachings of Carlson, and does not respond to Applicant's arguments as to the asserted teachings of Alperrovich and Erving. Applicant here restates all arguments made in response to the previous Office action as to the teachings of Alperrovich and Erving, and in the interest of a fair prosecution of the present application, applicant respectfully requests that the next Office action be made non-final if claims are still rejected, so that applicant has enough of an understanding of the position taken by the Office to amend the claims if an amendment would appear to be appropriate, without having to file a second request for continuing examination. (The previous Office action was a final Office action, in response to which applicant filed a request for continued examination so as to be able to amend the claims.)

Alperrovich teaches a telecommunication system in which a mobile terminal receives identifying information for each accessible cellular network, compares that information against a list of permissible networks stored in the mobile terminal's SIM card, and allows the user to select a network based upon the fees each network assesses for roaming service. (Alperrovich, pp. 3, 11. 12-26).

As in the previous Office action, in rejecting the claims the Office asserts that Alperrovich discloses "deciding whether to allow establishing a new connection to one of the currently active cellular network systems on behalf of another application hosted by the device." (Office action, part 3, emphasis added.) As argued in response to the previous Office action, only two applications are disclosed by Alperrovich. The first is the "charging application," (Alperrovich, pp 5, 11. 5-10), which

resides either within a Base Station Controller or a Mobile Switching Center, not on the user-end mobile terminal (as do the applications contemplated by the instant application, per the recitation of "respective connected applications hosted by the device"). The charging application of Alperrovich transmits charging information relating to the rates of available cellular networks to a user's mobile terminal for processing by the second, unnamed, application. The second application is the "selection means within said mobile terminal for selecting said given cellular network, using said charging information associated with said given cellular network." (Alperrovich, pp. 7, Claim 1, ll. 10-13). There is no disclosure in Alperrovich of multiple applications running simultaneously on the mobile terminal, much less a disclosure of deciding whether to allow establishing a new connection on behalf of another application hosted by the device besides applications that already have connections, as required by claim 1 and 8. The Office relies upon Alperrovich, pp. 4, ll. 23-32; pp. 5, ll. 1-4, 16-27; claim 1, ll. 10-14. Applicant can find no support in the cited sections (or anywhere else in the publication) for the proposition that Alperrovich discloses use and/or scheduling of multiple applications on a mobile terminal. Applicant respectfully submits that Alperrovich discloses the general establishment of connectivity with cellular networks when roaming from the end-user's home network and not the establishment of multiple connections for respective applications hosted by a single mobile terminal.

Alperrovich does, however, disclose disallowing certain mobile terminals from accessing certain other cellular networks based upon agreements between the user's cellular network and the roaming networks. (See Alperrovich, pp. 5, ll. 19-25). This is not the same as "deciding whether to allow establishing a new connection." As required by claims 1 and 8, each of the instant invention's connections relates to an application--for example, a

traditional telephony application (such as ability to create and receive speech calls), a WAP (wireless access protocol) browser, a MMS (multimedia message system) application, or support for dial-up networking--requiring a discrete connection in order to operate in parallel with other applications the user wishes to run simultaneously on the communication device. The Alperrovich device, in contrast, decides whether to allow establishing connectivity, not a new connection coextensive with existing connections. Alperrovich seeks to prevent users from accessing cellular networks where they are not permitted to roam, whereas the instant invention distinguishably claims "obtaining information about one or more currently active cellular network systems to each of which the device has one or more active connections [and then] deciding whether to allow establishing a new connection." In light of Alperrovich's specification, it is clear that this device feature was directed to denying or allowing a solitary connection to a single network, rather than deciding whether to allow a new connection for an application resulting in a plurality of application-specific connections to one or more networks, as is required by claims 1 and 8.

Erving does not compensate for the shortcomings of Alperrovich. Erving teaches a wireless terminal that is software-configurable to enable communication via different kinds of wireless communication systems.¹ The invention as in claims 1 and

¹The Erving device is described as follows:

a wireless terminal utilizing digital radio processing and that utilizes stored program control to allow the wireless terminal to operate in a plurality of disposed wireless communication systems. In particular, the digital radio processing with appropriate stored program control operates in a plurality of wireless communication system by selectively and controllably enabling selection of frequency, channel bandwidth, modulation type, channel coding and source coding operational components appropriate to the communication system that the wireless unit is to operate in. A function control enables the wireless terminal to actively seek out and search for availability of wireless communications system in which it may operate.

8, on the other hand, provides a method by which a device determines whether to allow another network connection for use by an application hosted by the device to a network (possibly different from the currently active networks) when there are already one or more network connections. As applicant has argued in previous communications, Erving addresses a different problem than that of the invention as in claims 1 and 8. (See Applicant's response to non-final office action dated 10 Oct. 2006).

The Office relies on Erving col. 1, ll. 40-49; col. 2, ll. 36-51; col. 3, ll. 5-10; col. 4, ll. 25-35, 50-67; col. 6, ll. 58-67; and col. 7, ll. 1-2 as "teaching information about combinations of different connections allowed by each currently active network system." (Office action, part 3.) The Office states that:

It would have been obvious to one skilled in the art at the time of the invention to modify Alperrovich, such that the device would generate indication of changing to a different system based on information that is appropriate for continuing the connection for more efficient and accurate communication.

Applicant respectfully submits that all that is disclosed by Erving at the cited text is to have a wireless communication device try getting, in effect, a dial tone from each of the different wireless communication systems for which the device is configurable for operation. More accurately, Erving teaches, among other things, measuring a received signal strength for each such wireless communication system. There is simply no teaching or suggestion of establishing a new connection for an application when there are already application-specific connections in use, as required by claims 1 and 8, let alone deciding whether to allow making such connection based on information about any currently active cellular network systems, as also required by claims 1 and

(Erving, Col. 1, 40-49).

8, but rather simply a teaching of trying to determine if a connection can be made. As explained at col. 1, ll. 47-49, the functionality disclosed by Erving allows a wireless terminal "to actively seek out and search for availability of wireless communications system in which it may operate." This is not at all the same as deciding whether to allow a connection to a wireless communication system.

Applicant thus respectfully submits that Aperrovich in view of Erving, in combination, cannot fairly be said to teach or suggest the invention as in claims 1 and 8, except for teaching that the information used in making the decision as to allowing a new connection includes at least the number and type of connections currently in use. Thus, despite any teaching by Carlson, the rejections of claims 1 and 8 ought to be withdrawn.

With respect to the limitation that the information used in making the decision as to allowing a new connection includes at least the number and type of connections currently in use, applicant understands that the Office is now acknowledging that Erving cannot be relied on for such a teaching, and that the Office now instead relies on Carlson, at Figures 2 and 3, items 201 and 203, and at Figure 6, item 601 and 607, and at par. [0045], lines 1-11.

Carlson discloses a system for selecting one of a plurality of pseudo-random bit sequence (PRBS) generators for use with a modem of a type that includes a measuring device adapted to measure an operating environment of the modem, and also discloses a storage device adapted to store a list of PRBS generator definitions. The modem selects one of a plurality of PRBS generators based on the measurement of the operating environment. (See Carlson abstract.) At par. [0045], lines 1-11, Carlson discloses that:

Referring to FIG. 6, in general, the second PRBS generator is longer than the first PRBS generator. The

first PRBS generator may be, for example, that shown in FIG. 4, which has a 511-bit period. The second PRBS generator may be, for example, that shown in FIG. 5, which has a period of approximately 8 million bits. The threshold used may be 32, for example. Of course any number of different PRBS generators and thresholds may be used and are contemplated by the present invention. In addition, multiple thresholding may be used, so that more than two PRBS generators may be available for selection given channel conditions.

Applicant is respectfully mystified as to how a selection of one or another PRBS generator based on the measurement of the operating environment relates to obtaining information about one or more currently active cellular network systems to each of which the device has one or more active connections for respective connected applications hosted by the device, wherein the information includes at least the number and type of connections currently in use, and/or then determining whether to allow establishing a new application-specific connection based on the information. The Office asserts that:

Carlson teaches determining number of carriers; i.e., at least number of connections for selection for the system.

Applicant does not see at the cited locations a teaching of determining the number of connections/ carriers. Applicant sees at par. [0045] an explanation that the step shown in Figure 6 labeled 601 ("Determine number of carriers") is a step in which "the system makes, during training, a determination of the number of carriers to be used in communication." (Emphasis added.) This is not at all the same as obtaining information about application-specific connections currently in use, which information is then used to decide whether to allow establishing a new application-specific connection, as required by claims 1 and 8.

At section 4 of the Office action, claims 21 and 22 are also rejected under 35 USC §103 as being unpatentable over Alperovich

in view of Erving and also Carlson. Of the claims so rejected, only claim 21 is independent.

The argument used in traversing the rejections of claims 1 and 8 is believed to apply also to the rejection of claim 21. Thus, the assertions as to the teachings of Alperrovich and Erving as to claim 21 are disputed, and on that ground alone the rejection of claim 21 ought to be withdrawn, and the assertions as to the teachings of Carlson are also disputed.

Accordingly, applicant respectfully requests that the rejections under 35 USC §103 of claims 1, 8, and 21 to be reconsidered and withdrawn, and also the rejections of the other claims so rejected and not argued, at least by virtue of their dependencies.

Conclusion

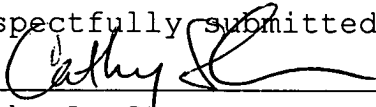
For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

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Date

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